

~~cc: Janet Feldstein~~

340068

26 March, 1985

Norman Bernstein, Associate Counsel
Ford Motor Company
The American Road, Room 1123
Dearborn, Michigan 48121

Re: Duane Marine Salvage Corporation Superfund Site

Dear Mr. Bernstein:

I am sending you copies of two documents, by Express Mail, as I promised I would when we spoke by telephone this morning.

First, please find a copy of the new administrative order issued on Friday, March 22, 1985, naming 22 additional parties as generator respondents in the Duane Marine matter.

Second, I have also enclosed a copy of the letter that accompanied that order.

Under separate cover, I will send a copy of the new computer printout analysis of the information gathered from the complete set of manifests obtained from the offices of the New Jersey Department of Environmental Protection. I will send the new data just as soon as Janet Feldstien receives her copies from the contractor that did the work for EPA.

I look forward to seeing you at the April 3, 1985, meeting mentioned in the enclosed cover letter. I also plan to meet with you in your capacity as counsel representing the Ford Motor Company on April 2, 1985, in our offices at 10:00 a.m.

Sincerely yours,

Margaret Thompson
Law Clerk
Office of Regional Counsel

Enclosures

cc: Janet Feldstein, 2ERRD-SIC
✓Bruce Sprague, 2ERRD-RP

20RC-WTS:MTHOMPSON:mt:x8067:03/26/85

20RC-WTS

MTHOMPSON

① Margaret
② file
COPY to Bruce
Sprague

Memorandum to the files: Duane Marine Salvage Company
From: Walter F. Mugdan

On Friday evening, March 15, 1985, at about 5:50 p.m. I called Jack Lynch, chairman of the Duane Marine generators' committee. I told him that Janet Feldstein was in my office and had informed me that work at the site, under the EPA-approved workplan, was behind schedule. Specifically, I said that even using the most liberal interpretation of the order, work should have started by March 15, but that Bob Blanchfield had told Janet work would not start until March 25. I asked him if he could explain the delays.

Lynch replied that he personally had been involved in several trials since mid-February, and had only just returned to the office on March 15 after an absence. He had spent the day talking with Blanchfield and other members of the generators' group. He described the sequence of events as follows: "We put in a workplan; we asked for comments, from EPA, and got some back. They the comments were a major advance towards 'this is what the deal is,' but they were not treated by either side as the final starting gun." I expressed surprise at this view, and quoted to him from Margaret Thompson's notes of her telephone conversation with Lynch on March 12, at which time it was agreed that work would begin by March 19. I also quoted to him his letter to Margaret, dated March 7, which reflects final agreement on the workplan. He noted that he had not read that letter which was prepared by an associate.

Lynch then pointed out that Blanchfield had spoken to Bruce Sprague (I believe he said this conversation was on March 15), and they had agreed that commencement of work could be delayed until March 25

provided that it was not a "token start, like leaving a trailer on site," but was an actual commencement of cleanup work. Lynch said he (or Blanchfield) had written a letter confirming this understanding, and the letter was already in the mail.

Lynch then explained the basis for the delay. He said the committee had originally passed the hat for \$2000 per generator. After the workplan was drafted, an estimate of \$40,000 for the next phase of work was received, and plans were made to pass the hat again. Sometime in the last week or two the generators had had a conference call to develop an ad hoc allocation for this second subscription; as a result of that, some \$31,000 was collected. (He noted that Midland Glass could not be reached for the conference call, and later complained that the allocation share assigned to it was too high, and has therefore not contributed yet. He also noted that Midland Glass was still waiting on a response from EPA concerning its petition to be let out of the order.) He said that as a result of changes to the workplan it is now estimated the next phase of work will require \$43,000, so the group is about \$12,000 short. His proposal is that they sign with IT Corporation for the work next week, and dip into the funds from the earlier collection for the shortfall. He said that based on a phone survey today (3/15), a majority of the generators have approved signing the contract with IT Corp.

I told Lynch to move as quickly as possible, and that it would be helpful if he could start some work on site by the week of March 18. I forgot to tell him that we have had press inquiries during the week of March 11 about why there has been a delay in starting work; I intend to call him again on March 18 to advise him of this.

cc: Janet Feldstein

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 22, 1985

Re: Duane Marine Salvage Corp. Facility, 26 Washington
Street, Perth Amboy, New Jersey

Dear Sir or Madam:

The United States Environmental Protection Agency ("EPA") has documented the release and threatened release of hazardous substances, pollutants, and contaminants at the Duane Marine Salvage Corp. facility, located at 26 Washington Street, Perth Amboy, New Jersey. The property upon which the subject facility is located is believed to be owned at present by Edward Lecarreux.

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9601 et seq., and other laws, parties responsible for the release or threatened release of hazardous substances into the environment from an uncontrolled hazardous waste facility may be liable for all monies expended by the federal government to take necessary response actions at such facilities. Response actions may entail such activities as investigation, planning, removal, and remedial actions at these facilities. Responsible parties may also be held liable for any enforcement costs incurred by the government.

Under CERCLA, responsible parties include the current and past owners and operators of a facility as well as persons who generated the hazardous substances or who were involved in transport, treatment, or disposal of those substances at the facility.

EPA has information which indicates that your company is a responsible party within the intent of CERCLA. This information includes the records of Duane Marine, and New Jersey hazardous waste manifests that are now in the possession of EPA.

EPA has determined that an Immediate Removal Action, as defined in the National Contingency Plan, 40 C.F.R. Part 300, is necessary at the Duane Marine facility in order to prevent an immediate and significant risk of harm to human health and the environment, as defined at 40 C.F.R. §300.65(a). The Immediate Removal Action contemplated by EPA will include the removal of all containerized wastes from the Duane Marine facility and proper disposal of those wastes. Disposal of the wastes currently on the site at the Duane Marine facility will include the removal of the wastes to a secure landfill, incineration, or other appropriate disposal methods. Liquids shown to be compatible by analysis will be bulked and disposed of properly.

Obviously contaminated surficial soils at the Duane Marine facility will be removed for disposal. Subsurface soil samples will be collected for a determination of the extent of any remaining contamination.

Due to the human health threat posed by direct contact with the wastes at the facility, it is necessary to provide 24-hour security in order to prevent access by unauthorized persons. In addition, a secure perimeter fence must be constructed around the facility.

EPA has estimated that the total initial response action as summarized herein, if performed by the federal government, would cost approximately \$1,144,000.00 (ONE MILLION ONE HUNDRED AND FORTY-FOUR THOUSAND DOLLARS).

Prior administrative orders were issued under the authority of CERCLA to 33 responsible parties in connection with the Duane Marine site. Since December 13, 1984, those named parties have taken certain specified actions in compliance with the prior orders. A detailed work plan has been prepared, submitted to EPA, and modified by EPA pursuant to certain provisions of the two prior orders. The work detailed in the EPA-approved work plan is due to commence on March 25, 1985.

The enclosed Administrative Order has been issued to your company as a respondent pursuant to the authority of section 106 of CERCLA, 42 U.S.C. §9606(a). The Order requires your

company and the other responsible parties named to join with the parties named in the prior orders in performing the actions EPA has determined necessary to effectuate a proper immediate removal action at the Duane Marine facility. The Order also requires that either individually or through a representative, the named parties inform EPA of their intention to comply, or not to comply, and that they implement the required removal action.

If the responsible parties fail to commence and complete the removal action within the time period specified in the Order, then EPA will commence and complete the work, as circumstances may require, and will collect its total costs from the respondents. In addition, if you violate this Order, you may be liable for a civil penalty of up to \$5,000.00 per day, and for imposition of special punitive treble damages in an amount up to three times the cost of a federally funded response.

EPA anticipates a request by the responsible parties for a conference to discuss this Order. See paragraph 65 at pages 21 and 22 of the enclosed Order. Accordingly, we have reserved a time and place for a conference among all named parties. The conference will be held on Wednesday, April 3, beginning at 10 A.M., in Room 305B, 26 Federal Plaza, New York, New York. Federal Plaza is located at the corner of Broadway and Duane Street in downtown Manhattan. This meeting will fulfill the opportunity to confer which is provided in the order.

Should you have any questions concerning this matter, please contact either Janet Feldstein, Environmental Engineer, Site Investigation and Compliance Branch, Emergency and Remedial Response Division, EPA Region II, at (212) 264-8098, or Margaret Thompson, Law Clerk, Office of Regional Counsel, EPA Region II, at (212) 264-8067. I hope that you will give these matters your immediate attention.

Sincerely yours,

Douglas R. Blazey
Regional Counsel

Enclosures